IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14932 of 2004

Between:

S. Rajagopal Reddy S/o Nagi Reddy
r/o Kondamuru J. Pangulur (M), Prakasam District

..... PETITIONER

AND

1 The Joint Collector, Prakasam District at Ongole
2 The Revenue Divisional Officer, Ongole, Prakasam District
3 The Mandal Revenue Officer, J.Pangalur (M), Prakasam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 1st respondent in Rc.CS2/2060/2004, dt 11-7-2004 thereby rejecting my stay petition against operation of order of 2nd respondent issued in Rc. C 593/2004, dt 22-6-2004 is illegal, irregular and violative of articles 14, 19 and 21 of the Constitution of India and A.P. Schedule Commodities (Regulation of Distribution by Card System) order 2001 and set aside the same and consequently direct the respondents to continue me as fair price shop dealer for shop at kondamur, J.Pangalur Mandal, Prakasam district pending disposal of the appeal on the file of 1st respondent in the interest of justice.

Counsel for the Petitioner: MR.NARAM.NAGESWARA RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

Petitioner is an authorised dealer of Fair Price Shop of Kondamur village. His authorisation was suspended by the Revenue Divisional Officer by proceedings dated 22.06.2004, pending enquiry into alleged irregularities in the distribution of essential commodities. Against the said order, the petitioner preferred an appeal before the Joint Collector, Ongole, Prakasam District, along with an application for stay on 30.06.2004. The Joint Collector having entertained the appeal, by orders dated 11.07.2004 rejected the application for stay. Aggrieved by the same, this writ petition is filed.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The learned counsel for the petitioner vehemently contended that the order of the Joint Collector, dated 11.07.2004 rejecting the application for stay without affording any opportunity to the petitioner and without referring to any one of the contentions raised by the petitioner in the appeal, is unsustainable and the same is in violation of principles of natural justice. He contends that the order of the Joint Collector is cryptic and passed in a mechanical way.

A perusal of the impugned order dated 11.07.2004 makes it clear that the first respondent has rejected the stay as sought by the petitioner without assigning any reasons in support of his conclusion. Such an order passed by the appellate authority while considering the statutory appeal, is not sustainable. The 1st respondent ought to have considered the question whether the suspension of authorisation is warranted pending enquiry in the facts and circumstances of the case.

In the circumstances, I deem it appropriate to set aside the order dated 11.07.2004 and the writ petition is disposed of with a direction to the Joint Collector to consider the application for stay filed by the petitioner and pass appropriate orders in accordance with law afresh as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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23.08.2004

VGB

To

1 The Joint Collector, Prakasam District at Ongole
2 The Revenue Divisional Officer, Ongole, Prakasam District
3 The Mandal Revenue Officer, J.Pangalur (M), Prakasam District

4 2CCs to the Government Pleader for Civil Supplies, High Court

Buildings, Hyderabad (OUT)

5 2CD copies